

**SENATE BILL ON FIRST READING**

On motion of Senator Leedom and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 5** by Leedom Education  
Relating to financing public schools.

**RECESS**

On motion of Senator Truan, the Senate at 5:01 p.m. took recess, in memory of those veterans who gave their lives and those who served our country so that we might enjoy the freedom they preserved for us, until 11:00 a.m. tomorrow.

**SECOND DAY**  
(Continued)  
(Thursday, November 12, 1992)

**AFTER RECESS**

The Senate met at 11:00 a.m. and was called to order by the President.

**SENATOR ANNOUNCED PRESENT**

Senator Turner, who had previously been recorded as "Absent-excused," was announced "Present."

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

**H.C.R. 2**

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 3**

On motion of Senator Brown and by unanimous consent, Senators Henderson, Turner, Green and Brooks will be shown as Co-authors of S.C.R. 3.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 6** by Green Intergovernmental Relations  
Relating to eligibility for service retirement under the Texas County and District Retirement System.

**S.B. 7** by Henderson, Ellis, Intergovernmental Relations  
Brown, Brooks, Green, Whitmire  
Relating to the validation of government acts and proceedings regarding certain bond elections in municipalities with a population of more than 1.5 million.

**CAPITOL PHYSICIAN**

Senator Sims was recognized and presented Dr. Dan Ramsey of Johnson City as the "Doctor for the Day."

The Senate welcomed Dr. Ramsey and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**HOUSE CONCURRENT RESOLUTION 1**

Senator Brooks offered the following resolution:

WHEREAS, Words cannot adequately convey the deep shock and sorrow that have accompanied the news of the tragic death of the Honorable James F. Hury, Jr., on October 7, 1992, at the age of 46; and

WHEREAS, A native Texan, he was born in Houston on March 12, 1946, and earned a bachelor's degree in business administration from The University of Texas at Austin in 1969; in 1972, he was graduated from Bates School of Law at the University of Houston with his doctor of jurisprudence degree and was admitted to the practice of law later that year; and

WHEREAS, Mr. Hury began his distinguished public service career in 1972 as an assistant district attorney in Galveston County; named chief assistant in 1974, he was appointed criminal district attorney of Galveston County by Governor Dolph Briscoe in 1977 and subsequently was elected to that position, in which he served with integrity and distinction until his election to the Texas House of Representatives in November 1982; and

WHEREAS, During his outstanding tenure in the house, Mr. Hury exercised his considerable leadership abilities as chairman of the Committee on Ways and Means during the 71st and 72nd Legislatures, and, in this capacity, was instrumental in the passage of legislation that led to the settlement of a lawsuit with insurance companies that netted the state \$7.5 million in tax revenues; and

WHEREAS, Deeply concerned for the well-being of the most vulnerable members of our society, Mr. Hury counted among the highlights of his legislative career the passage of legislation to allow health departments to make unannounced inspections of nursing homes; and

WHEREAS, He further distinguished himself through his service on a host of boards and special committees, including the Legislative Audit Committee, the Legislative Budget Board, the American Legislative Exchange Council, the Governor's Task Force on Revenue, the Transportation Audit Committee, and committees of the National Conference of State Legislatures and the Southern Legislative Conference; and

WHEREAS, In addition, Mr. Hury earned well-deserved acclaim for his chairmanship of the Committee on Judicial Affairs during the 70th Legislature and his valuable contributions as a member of numerous other standing committees, including the General Investigating Committee and the Committee on Insurance during the 72nd Legislature; and

WHEREAS, Throughout five distinguished terms as a member of the Texas House of Representatives, he earned the respect, admiration, and friendship of all who served and worked with him; and

WHEREAS, A man of great intelligence, humility, and integrity, James F. Hury, Jr., dedicated much of his life to the betterment of his community and state; though his special presence will be deeply missed by all who were privileged to know him, his spirit will surely live on in the many accomplishments he leaves behind; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas, 4th Called Session, hereby honor the memory of James F. Hury, Jr., and extend heartfelt sympathy to his wife, Linda Benge, and to his son, James F. Hury III; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of James F. Hury, Jr.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### REMARKS BY SENATOR BROOKS

On motion of Senator Truan and by unanimous consent, Senator Brooks' remarks were reduced to writing in the Journal as follows:

All of us in this body have had an opportunity to work with James for a period of years. It was an uncommon honor for me to be able to be a teammate, like a brother with him, representing Galveston County for 10 years, from 1982 into next year.

James had gone through an extremely agonizing decision of whether to go ahead and stay in the legislature another term or get out and accept private sector opportunities that would mean a great deal more for his family's future—for his son, particularly. It was not an easy task. He had already been nominated. He was unopposed in the general election, but he decided that he was going to do that for his family. He made that very agonizing decision, crossed that bridge, and was looking forward to new opportunity as one of the principals in the very well-known law firm, Fulbright and Jaworski, following to some extent the footsteps of one of the founders, Leon Jaworski, who is widely known throughout the nation and throughout the world.

Then for him to suddenly lose his life a few days, a few weeks later in a plane crash, a rather unique, bizarre crash in an air show at Ellington Air Force Base, doing something he loved to do—he loved to fly; he was a pilot. He had flown to and from this city, this capital, on hundreds of occasions, coming up here to serve in the legislature. Then what appeared to be an incredibly unusual wind gust that caught his light plane as it landed with another plane in close pursuit in an air maneuver caused the crash and caused him to sustain mortal injuries, brain injuries that were not reversible. He lingered for awhile and then his heart gave out.

You know, a lot of people named James are called Jim. Nobody ever called him Jim much because everybody always thought of him as James. He just had such uncommon dignity. He was such a gentleman, such a decent, honest, responsive man—seldom if ever would lose his temper, had the greatest patience of anyone I ever saw—it's probably what made him one of the best district attorneys Galveston County ever had, maybe that the whole state ever had. He had that uncommon ability to step back and listen to differing opinions and make objective decisions about things. He was one of the best negotiators I ever worked with. To have had the opportunity to serve with him on the Legislative Budget Board and as a negotiator in several conference committees in which we served on appropriations was one of the special privileges of my life in public service. There was just no finer man, and his death is a tremendous loss.

Old Galveston County really got caught this year. They lost James because of that decision to leave the legislature and then on November 3 they lost their other member of the Legislative Budget Board, or will set the stage to lose that other member. James and I were the only two serving from the same county that I can ever recall that served on the budget board together. Galveston County was the only county in Texas that had two members, one from the Senate and one from the House, on the Legislative Budget Board.

James was just such a friend and such a brother. His loss is just beyond comprehension and we will be forever in his debt for all the things he did while he was an active leader. He looked forward to doing so much more in the private sector because he then could advocate. He would be able to do things for his family, make a good living for his family, make opportunities for his son. Obviously he would have still been a very powerful force as an advocate for all the higher education

institutions and other institutions for which he did so much work and to which he was so dedicated.

He was an uncommon leader, and his passing means that he will not be replaced. He will have successors, but he was just so unique in the depth of knowledge and the ability to negotiate solutions that were consensus solutions, good solutions; we won't see his kind pass through here again, in my view. I will miss him. I know all of us in this chamber will miss him.

#### GUEST OF SENATE

The President acknowledged the presence in the Senate Chamber of The Honorable Ann W. Richards, Governor of Texas.

#### SENATE JOINT RESOLUTION 1 ON SECOND READING

Senator Parker asked unanimous consent to suspend all necessary rules to take up for consideration at this time:

**S.J.R. 1**, Proposing a constitutional amendment providing an equity standard for public school finance, authorizing the redistribution of certain ad valorem taxes levied and collected by certain school districts, authorizing certain tax rate limitations in certain school districts, providing certain state funds to the support of public education, and authorizing state general obligation bonds to assist school districts in financing facilities.

There was objection.

Senator Parker then moved to suspend all necessary rules and take up **S.J.R. 1** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The resolution was read second time.

(Senator Brooks in Chair)

Senator Harris of Tarrant offered the following amendment to the resolution:

#### Floor Amendment No. 1

Amend **S.J.R. 1**, SECTION 2, by striking Sec. 3-d. (a) of the proposed constitutional amendment and renumbering other sections accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the resolution:

#### Floor Amendment No. 2

Amend **S.J.R. 1**, SECTION 2, proposed Sec. 3-6, on page 2, lines 1 and 4 of the printed bill by striking the words "by rule of the commissioner of education" and inserting in lieu thereof the words "by general law".

The amendment was read and was adopted by a viva voce vote.

(President in Chair)

Senator Truan offered the following amendment to the resolution:

#### Floor Amendment No. 3

Amend **S.J.R. 1** as follows:

(1) Strike Section 1 and substitute the following:

SECTION 1. Article VII of the Texas Constitution is amended by adding Section 1a to read as follows:

Sec. 1a. An efficient system of public free schools at the elementary and secondary level is one that guarantees every public school student the same access, at any school district tax rate, to the same revenue per student available to any other student, considering all student and district costs including facilities. The legislature shall implement a system that minimizes the differences among the revenue per student available to all students, allowing differences that relate only to variances in school district tax rates and not to variances in amounts of property wealth per student.

(2) Strike Section 3-c of Article VII of the Texas Constitution as added by Section 2 and substitute the following:

Sec. 3-c. For the suitable support and maintenance of an efficient system of public free schools, the legislature shall redistribute ad valorem taxes levied and collected by school districts to the extent necessary to meet the standards of Section 1a of this article.

The amendment was read.

On motion of Senator Truan and by unanimous consent, the amendment was withdrawn.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Krier, Leedom.

#### SENATE JOINT RESOLUTION 1 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.J.R. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Krier, Leedom.

#### SENATE RULE 11.11 SUSPENDED

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider S.B. 7 today.

**CONGRATULATORY RESOLUTIONS**

**S.R. 3** - By Tejeda: Extending congratulations to Ben Stratton on achieving the rank of Eagle Scout.

**S.R. 4** - By Tejeda: Extending congratulations to Derek Williams on achieving the rank of Eagle Scout.

**S.R. 5** - By Tejeda: Extending congratulations to Ted Naone on achieving the rank of Eagle Scout.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:40 p.m. adjourned, in memory of Representative James F. Hury, Jr., until 12:55 p.m. today.

**THIRD DAY**

(Thursday, November 12, 1992)

The Senate met at 12:55 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, as deliberation continues on the major issue of this session, grant that prudent and experienced counsel be ever present as the Members exercise their beliefs and judgments in finalizing an equitable and valid compromise.

This is a time of decision and we pray that by Your grace it will be made with individual wisdom and resourcefulness and then finally with the collective strength of the Senate. This is our prayer in the name of Your Son. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**REPORT OF STANDING COMMITTEE**

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 7****SENATE BILL 7 ORDERED NOT PRINTED**

On motion of Senator Henderson and by unanimous consent, **S.B. 7** was ordered not printed.

On motion of Senator Henderson and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

The bill was read second time and was passed to engrossment by a viva voce vote.

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 7 be placed on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

On motion of Senator Brooks, the Senate at 1:02 p.m. took recess until 11:00 a.m. Monday, November 16, 1992.

(Monday, November 16, 1992)

The Senate met at 11:00 a.m. and was called to order by Senator Brooks.

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

<b>S.B. 8</b> by Turner, Sibley	Finance
Relating to enabling the General Services Commission to purchase an existing building through Texas Public Finance Authority financing under certain circumstances.	

**S.B. 9 by Tejeda** **Natural Resources**  
**Relating to powers of a school district to challenge requests for tax exemptions and to review applications for municipal solid waste facilities.**